

Message Text

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PAGE 01 BISSAU 00072 161956Z
ACTION AF-08

INFO OCT-01 ISO-00 /009 W
-----161958Z 067988 /41

P R 161530Z FEB 77
FM AMEMBASSY BISSAU
TO SECSTATE WASHDC PRIORITY 0230
INFO AMEMBASSY LIBREVILLE
AMEMBASSY LISBON
AMEMBASSY MAPUTO

C O N F I D E N T I A L BISSAU 0072

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E.O. 11652: NGDS
TAGS: SHUM, CV
SUBJECT: HUMAN RIGHTS IN CAPE VERDE

REF A STATE 014518, B BISSAU 0066

SUMMARY: UNLIKE GUINEA-BISSAU, WHERE PAIGC FOUGHT LONG GUERRILLA WAR, CAPE VERDE WAS SPARED POLITICAL VIOLENCE AND CONCOMITANT PORTUGUESE POLITICAL PREPRESSION AND THUS HAS EMERGED WITH TRADITIONAL CONCEPTS AND CIVIL LIBERTIES AND HUMAN RIGHTS BASICALLY INTACT. LACK OF POST-INDEPENDENCE ANIMOSITY TO PORTUGUESE REFLECTED IN LACK OF FORMAL CONSTITUTION IN CAPE VERDE WHICH SUFFICES WITH BASIC POLITICAL LAW INCORPORATING PORTUGUESE LAW WHEN IT DOES CONFLICT WITH IDEALS OF REVOLUTION OR AS SUBSEQUENTLY MODIFIED ON CASE BY CASE BASIS. THUS FAR, NEW LAWS CONCERNING CIVIL LIBERTIES AND HUMAN RIGHTS HAVE NOT BEEN PROMULGATED. END SUMMARY.

.1. POLITICAL SITUATION: FIFTY-SIX MEMBER NATIONAL ASSEMBLY ELECTED IN JUNE 1975 HAS MET ONLY A FEW TIMES TO ENDORSE
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NEW LAWS DRAWN UP BY COUNCIL OF MINISTERS IN WHICH POWER CENTERS ON THREE OR FOUR TOP MINISTERS. UNLIKE IN GUINEA-BISSAU, PRESIDENT WIELDS CONSIDERABLE POWER BOTH THROUGH COUNCIL OF MINISTERS AND AS SECRETARY GENERAL OF PARTY. PAIGC ONLY PARTY LEGALLY PERMITTED TO FUNCTION IN ISLANDS AS OPPOSITION GROUPS FORMED DURING TRANSITIONAL GOVERNMENT HAVE BEEN BANNED. GOCV'S OFFICIAL POSITION IS THAT ALL

THOSE DETAINED FOR ANTI-PAIGC ACTIVITIES HAVE EITHER BEEN RELEASED INTO EXILE OR HAVE BEEN FREED ON CONDITION OF REMAINING OUT OF POLITICS. EMBASSY IS UNAWARE OF ANY POLITICAL PRISONERS AT THIS TIME. CONSIDERABLE ANTI-PAIGC ACTIVITY CONTINUES, HOWEVER, IN SUBSTANTIAL CAPE VERDEAN DIASPORA. PRINCIPAL THEME OF THESE ACTIVITIES IS OPPOSITION TO RIGID SOCIALISM IN ISLANDS AND TO UNITY WITH GUINEA-BISSAU. MAJOR LOCUS OF THIS ANTI-PAIGC ACTIVITY IS IN U.S. AND PORTUGAL. IN SPITE SOMETIMES STRONG ANTI-PAIGC RHETORIC OF REPRESENTATIVES OF THESE GROUPS, SOME HAVE BEEN PERMITTED BY GOCV TO VISIT ISLANDS.

2. LEGAL SITUATION: BASIC LAW ON POLITICAL ORGANIZATION OF STATE ESTABLISHED NATIONAL COUNCIL OF JUSTICE, COMPRISED OF THREE APPOINTED JUDGES, WHICH IS SUPREME JUDICIAL ORGAN HEARING APPEALS FROM LOWER COURTS. LOWER COURTS ESTABLISHED BY SUBSEQUENT LAW AND DECREE ARE ESSENTIALLY CITIZEN TRIBUNALS

FOR DISPENSING OF TRADITIONAL JUSTICE. POLITICAL INFLUENCE ON JUDICIAL SYSTEM AT THIS LEVEL IS CONSIDERABLE. BASIC LAW DOES NOT GUARANTEE INDEPENDENCE OF JUDICIARY BUT JUDGES ARE CHARGED BY LAW TO OBEY ONLY THE LAW AND THEIR CONSCIENCE.

3. HUMAN RIGHTS ATTITUDES: ALTHOUGH NOT CONSTITUTIONALLY ESTABLISHED AS IN GUINEA-BISSAU, GOCV APPARENTLY OBSERVES RIGHTS AND FREEDOMS OF UNIVERSAL DECLARATION OF HUMAN RIGHTS. FREEDOM OF EXPRESSION IS LIMITED BY PAIGC CONTROL OF MOST MEDIA WHILE MEDIA STILL IN PRIVATE HANDS (E.G., CATHOLIC NEWS-PAPER) EXERCISE PRUDENT RESTRAINT. NEITHER CATHOLIC CHURCH

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NOR PROTESTANT MISSION GROUPS HAVE EXPERIENCED PERSECUTION. RIGHT TO PRIVATE PROPERTY MORE SECURE IN CAPE VERDE THAN IN GUINEA-BISSAU AND FOREIGN OWNERSHIP MODERATELY SIZED PRIVATE COMPANIES CONTINUES TO BE TOLERATED. THERE APPEAR TO BE NO RESTRICTIONS ON MOVEMENT IN AND OUT OF COUNTRY.

4. EMBASSY UNAWARE ANY OTHER HUMAN RIGHTS REPORTING.

5. COMMENT: IN ABSENCE ANY REAL SECURITY THREAT TO PAIGC DOMINANCE OF ISLANDS, THERE LITTLE NEED FOR GOVERNMENT TO DENY BASIC HUMAN RIGHTS TO ITS CITIZENS. THIS FACT COMBINED WITH PAIGC ANXIETY TO PRESENT GOOD IMAGE TO CAPE VERDEAN COMMUNITIES ABROAD HAS LED TO REMARKABLY GOOD HUMAN RIGHTS RECORD.

WELLS

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Message Attributes

Automatic Decaptioning: Z
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: REPORTS, HUMAN RIGHTS, POLITICAL SITUATION
Control Number: n/a
Copy: SINGLE
Sent Date: 16-Feb-1977 12:00:00 am
Decaption Date: 22 May 2009
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977BISSAU00072
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D770055-0997
Format: TEL
From: BISSAU
Handling Restrictions:
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770238/aaaabgxz.tel
Line Count: 112
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: b51d4bc6-c288-dd11-92da-001cc4696bcc
Office: ACTION AF
Original Classification: CONFIDENTIAL
Original Handling Restrictions: STADIS
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: STADIS
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 29-Nov-2004 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3311190
Secure: OPEN
Status: NATIVE
Subject: HUMAN RIGHTS IN CAPE VERDE
TAGS: SHUM, CV
To: STATE
Type: TE
vdkgvwkey: odhc://SAS/SAS.dbo.SAS_Docs/b51d4bc6-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009